

ISMAIL OZGUR YAMAN,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Civil Action No. 12-cv-00221-PB
LINDA MARGHERITA YAMAN,	)	
A/K/A LINDA MARGHERITA POLIZZI	)	
	)	
Respondent.	)	
	)	

Petitioner, Ismail Ozgur Yaman, respectfully submits this Motion to Preclude Respondent from Presenting the Affirmative Defense of “Settledness.” The grounds for Petitioner’s motion, which are set forth fully in the memorandum of law filed herewith, are that the Respondent should not be permitted to avail herself of the settledness defense where she has, for years, actively and egregiously attempted to conceal the whereabouts of her daughters and evade legal proceedings to secure their return. Allowing Respondent to assert the affirmative defense of settledness would reward her for her successful abduction and concealment of her children, undermining the purposes of the Hague Convention.

Wherefore, the Petitioner respectfully requests that the Court grant this motion to preclude Respondent from presenting evidence at trial related to her defense of settledness, or from arguing that the Children should not be returned to their home country of Turkey because

they are “now settled” in New Hampshire, and grant all such other and further relief as is just and equitable.

December 7, 2012

Respectfully submitted,

Petitioner Ismail Ozgur Yaman

By his attorneys,

/s/ Kristen A. Fiore  
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**CONCURRENCE STATEMENT**

Pursuant to Local Rule 7.1(c), Beth Boland, counsel for Respondent, has been contacted and will object to the relief sought in the foregoing Motion to Preclude Respondent from Presenting the Affirmative Defense of “Settledness.”

/s/ Kristen A. Fiore

Kristen A. Fiore (#20082)

Date: December 7, 2012

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of December 2012, Petitioner's Motion to Preclude Respondent from Presenting the Affirmative Defense of "Settledness," Memorandum in Support and Exhibits thereto, Declaration of Kristen Fiore and Exhibits thereto, and Declaration of Rochelle E. Lento have been sent via e-mail to all counsel of record for the Respondent.

/s/ Kristen A. Fiore  
Kristen A. Fiore (#20082)

Date: December 7, 2012